

Notice of Allowability

Application No.

10/063,809

Examiner

Allan Kuhns

Applicant(s)

LAGHI, ALDO A.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed May 15, 2002.
2. ☒ The allowed claim(s) is/are 1-22,24 and 25.
3. ☒ The drawings filed on 15 May 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/15/02.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

1.The following is an examiner's statement of reasons for allowance: the prior art neither teaches nor suggests, in a method of making a thermoformable tubular liner for a prosthesis, the aspects of (1) preparing a negative cast from a patient's residual limb, (2) preparing a positive cast from the negative cast, (3) placing a thermoformable tubular liner over the positive cast, (4) heating the positive cast and thermoformable tubular liner in an oven so that the tubular liner takes on a new geometry, (5) removing the positive cast and thermoformable liner from the oven and allowing them to cool to room temperature, and (6) removing the thermoformable tubular liner from the positive cast, an interior surface of the tubular liner conforming to the shape of the positive cast, the tubular liner exhibiting elasticity when cooled to room temperature and returning to its new geometry when stretched and released at room temperature, the tubular liner adapted to be stretched and fitted over a residual limb, whereby the tubular liner remains on the residual limb even as the residual limb shrinks over time. The prior art also neither teaches nor suggests the use of the triblock copolymers with mineral oils of claims 11 and 23 or the forming of a liner having a durometer on the 00 scale within the range of claims 12 or 24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2.An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. In the specification

Page 1, line 5, "Liner." " has been deleted and – Liner", now abandoned. – has been inserted.

In the claims:

Claim 23 has been canceled and replaced by the following new claim:

- -- 25. A method of making a thermoformable tubular liner for use in a prosthetic appliance, comprising the steps of:
 - preparing a negative cast from a patient's residual limb;
 - preparing a positive cast from said negative cast;
 - formulating a thermoformable tubular liner by mixing triblock copolymers of the styrene, ethylene styrene type with mineral oils at a predetermined concentration;
 - heating said thermoformable tubular liner in an oven for a predetermined amount of time at a predetermined temperature;
 - removing said thermoformable tubular liner from said oven and placing said thermoformable tubular liner over said positive cast and allowing said cast and thermoformable liner to cool to room temperature; and
 - removing said thermoformable tubular liner from said cast, whereby an interior surface of said thermoformable tubular liner conforms to the shape of said positive cast. –

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allan R. Kuhns

ALLAN R. KUHNS
PRIMARY EXAMINER AU 1732

4-6-04